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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,488	06/13/2001	Daylan B. Darby	PW 028 0173 P11668	5256
59796 7590 04/12/2007 INTEL CORPORATION c/o INTELLEVATE, LLC P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER HU, JINSONG	
			ART UNIT 2154	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/880,488

Applicant(s)

DARBY, DAYLAN B.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 11/30/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111; or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. In claim 1, applicant claimed a header in an electronic mail has capability of monitoring the changes of the other portion (variable meta-data information) of the electronic mail variable meta-data information. "Monitoring" should be a process, which can be implemented for either periodically collecting certain information or detecting the changes occurred in the system, however, the specification only has one sentence mentioned that the header links changed when the variable meta-data information is rewritten (p. 6, lines 3-5), there is no any explanation for how can a header link automatically changed in a electronic mail even if the another portion of the electronic mail has been rewritten.

5. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood.

It is not clear the relationship between variable meta-data information and the electronic mail data. In claim 1, applicant claims that the variable-meta information identifying a location of the electronic mail data, i.e., the variable-meta information is address link of the electronic mail data. Furthermore, in the following claims 2-7, applicant discloses a header, which including sender' and receiver's link, monitoring the changes of variable-meta information. But applicant does not mention any other link which could be related to variable-meta information, based on the claim language, the only one explanation is the

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variable-meta information actually is link of either sender or receiver or both, the changes of variable-meta information refer to the changes of receiver's or sender's link. Additionally, applicant does not disclose the other step after monitoring step, it makes the purpose of monitoring is uncertain, because it is common knowledge in the art that the sender/receiver's link is changeable.

B. Claims 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the reason or condition for rewriting the meta-data information. The claim does not show any reason why the meta-data information has to be rewritten after the system attempting to deliver the electronic mail file.

Corrections are required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US 7,055,091).

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8. As per claim 1, Williams teaches the invention substantially as claimed including a data structure for an electronic mail file comprising a single file including [410, 420, 430 etc. Fig. 4] combined electronic mail data [412, Fig. 4] and variable meta-data information [i.e., contents of the web page whose URL is 414 of Fig. 4]; and a header [414, Fig. 4] with link to information capable of monitoring changes in the variable meta-data information, the information additionally capable of identifying a location of the electronic mail data within electronic mail file [col. 5, line 17 – col. 6, line 7; col. 7, lines 33-61].

Williams does not specifically divide the contents in the e-mail file in two portions. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to divide the e-mail file in two portions based upon the teaching of Williams' reference because doing so would make an e-mail file being viewed by user easily by organizing the e-mail file in less complicated and neat format.

9. As per claims 2-4, Williams teaches the header includes a link to a start of the electronic mail data, a link to an electronic mail sender [414, Fig. 4; col. 7, lines 21-32] and a link to an electronic mail recipient [inherent, i.e., recipient's address].

10. As per claims 5 and 6, Williams teaches the header operates as an encoder and monitors changes to the variable meta-data information [col. 7, lines 33-61].

11. As per claim 6, Williams teaches the header operates as an encoder and

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monitors a location of the electronic mail data within the file [col. 7, lines 33-61].

12. As per claim 7, Williams teaches the meta-data information is referenced in the header [col. 7, lines 33-61].

13. As per claims 8-12, since they are method claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

14. As per claims 13-18, since they are computer program claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

15. As per claims 19-25, since they disclose the same limitation as claims 1-7 from different prospect (i.e., sender and receiver), they are rejected for the same basis as claims 1-7 above.

16. As per claims -30, since they are system claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Higley (US 6,687,742) disclose an email system.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jinsong Hu', with a stylized, flowing script.

Jinsong Hu

March 15, 2007